

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0731.01 Julie Pelegrin x2700

SENATE BILL 20-009

SENATE SPONSORSHIP

Zenzinger and Rankin,

HOUSE SPONSORSHIP

McLachlan and Catlin,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING EXPANSION OF THE ADULT EDUCATION AND LITERACY**
102 **GRANT PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under existing law, the adult education and literacy grant program (grant program) is focused on workforce development partnerships to provide adult education that leads to increased levels of employment. The bill recognizes that, in addition to increasing employment, adult education is necessary to ensure an adult population that is better prepared to support the educational attainment of the next generation and actively

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 28, 2020

participate as citizens in a democratic society.

The bill expands the grant program to provide grants to adult education providers that enter into an education attainment partnership with elementary and secondary education providers or higher education providers to assist adults in attaining basic literacy and numeracy skills that lead to additional skill acquisition, that may lead to postsecondary credentials and employment, and that assist adults in providing academic support to their own children or to children for whom they provide care. The bill allows the state board of education, in awarding grants, to give preference to adult education programs that serve populations that are underserved by federal funding.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 22-10-101 as
3 follows:

4 **22-10-101. Short title.** ~~This article shall be known and may be~~
5 ~~cited as~~ THE SHORT TITLE OF THIS ARTICLE 10 IS the "Adult Education and
6 Literacy Act". ~~of 2014".~~

7 **SECTION 2.** In Colorado Revised Statutes, 22-10-102, **amend**
8 (1)(e), (1)(f), (1)(g), (1)(h), and (2); and **add** (1)(e.5) and (1)(e.7) as
9 follows:

10 **22-10-102. Legislative declaration.** (1) The general assembly
11 finds that:

12 (e) Before Colorado can meet its workforce, educational
13 attainment, and poverty-reduction goals, the state must address the need
14 for adult education. A significant percentage of the state's working-age
15 population lacks a high school diploma or its equivalent. Many of these
16 individuals do not have basic literacy or numeracy skills and are
17 unprepared for participation in postsecondary education and for
18 participation in the twenty-first-century workforce. FURTHER, THESE
19 INDIVIDUALS ARE UNPREPARED TO PROVIDE THE LEARNING SUPPORT AND

1 ADVOCACY THAT THEIR OWN CHILDREN OR THE CHILDREN THEY CARE FOR
2 REQUIRE.

3 (e.5) LITERACY AND LEVEL OF EDUCATIONAL ATTAINMENT NOT
4 ONLY IMPACT AN INDIVIDUAL'S ABILITY TO GAIN EMPLOYMENT AT A
5 SELF-SUFFICIENCY LEVEL, BUT EXTENSIVE RESEARCH SHOWS THAT THEY
6 ARE ALSO KEY DETERMINING FACTORS IN THE EDUCATIONAL SUCCESS AND
7 FUTURE EMPLOYMENT POTENTIAL OF THE INDIVIDUAL'S CHILDREN OR
8 CHILDREN FOR WHOM THE INDIVIDUAL IS A CAREGIVER. A
9 TWO-GENERATION APPROACH TO INCREASING LITERACY AND NUMERACY
10 SKILLS IS ESSENTIAL FOR THE WORKFORCE OF TODAY AND TOMORROW AND
11 FOR HELPING TO BREAK THE CYCLE OF POVERTY.

12 (e.7) WHILE SOME ADULTS REQUIRE EDUCATIONAL PROGRAMS
13 THAT WILL IMPROVE THEIR LITERACY OR NUMERACY SKILLS TO GAIN
14 HIGHER-PAYING LEVELS OF EMPLOYMENT, MANY ADULTS HAVE NOT
15 COMPLETED NINTH GRADE OR MAY OTHERWISE BE IDENTIFIED AS
16 LOWEST-LEVEL LEARNERS. BEFORE THESE ADULTS CAN ASPIRE TO
17 HIGHER-LEVEL EMPLOYMENT, THEY REQUIRE MORE BASIC EDUCATIONAL
18 PROGRAMS THAT SPECIALIZE IN ENGLISH LANGUAGE SKILLS AND
19 ASSISTANCE IN OBTAINING A HIGH SCHOOL EQUIVALENCY CERTIFICATE.

20 (f) Effectively addressing the need for adult education requires the
21 appropriation of state ~~moneys~~ MONEY to fund adult education and literacy
22 programs that participate in workforce development partnerships OR
23 EDUCATION ATTAINMENT PARTNERSHIPS AND THAT ENABLE INDIVIDUALS
24 TO ACQUIRE THE BASIC AND MORE ADVANCED SKILLS NEEDED TO
25 FUNCTION EFFECTIVELY AS PARENTS, CAREGIVERS, EMPLOYEES, AND
26 CITIZENS OF THE UNITED STATES. Although there are several
27 postsecondary programs that focus on workforce development and skills

1 acquisition, these programs typically assume that participants are or have
2 been in the workforce in some capacity and have already attained a base
3 level of literacy and numeracy. Adult education and literacy programs,
4 however, are typically designed for adults who have been unable to enter
5 the workforce in a meaningful capacity OR ARE LIMITED IN THEIR ABILITY
6 TO SUPPORT THEIR CHILDREN'S EDUCATION OR PARTICIPATE IN SOCIETY
7 due to a lack of basic literacy and numeracy skills.

8 (g) In return for state investment in adult education and literacy
9 programs, these programs must refocus their mission to ensure that more
10 low-skilled, low-income adults ~~not only~~ attain the basic literacy and
11 numeracy skills that they lack ~~but that they move as quickly as possible~~
12 ~~from skill acquisition to postsecondary credential attainment to~~
13 ~~employment~~ SO THAT THEY MAY IMPROVE THEIR OWN AND THE NEXT
14 GENERATION'S ABILITY TO PARTICIPATE IN THE CURRENT AND FUTURE
15 IN-DEMAND SECTORS OF EMPLOYMENT, FUNCTION EFFECTIVELY IN
16 SUPPORTING AND ADVOCATING FOR THEIR CHILDREN'S EDUCATION, AND
17 ACTIVELY PARTICIPATE IN SOCIETY; and

18 (h) Successfully refocusing the mission of adult education and
19 literacy programs requires the active collaboration and coordination of a
20 variety of state agencies and organizations that are involved in adult
21 education and literacy; ELEMENTARY, SECONDARY, AND postsecondary
22 education; training and credential attainment; workforce development;
23 economic development; and human services.

24 (2) The general assembly finds, therefore, that it is in the best
25 interests of the state to establish an adult education and literacy grant
26 program to provide state funding for public and private nonprofit adult
27 education and literacy programs. Investing in these programs will enable

1 them to serve a larger share of the state's eligible adult population and
2 ensure that more adults can reach and complete the next level of
3 education and training, thereby leading to better employment outcomes
4 that enable more low-income, low-literacy adults to ultimately achieve
5 economic self-sufficiency AND LEADING TO AN ADULT POPULATION THAT
6 IS BETTER PREPARED TO SUPPORT THE EDUCATIONAL ATTAINMENT OF THE
7 NEXT GENERATION AND ACTIVELY PARTICIPATE AS CITIZENS IN A
8 DEMOCRATIC SOCIETY.

9 **SECTION 3.** In Colorado Revised Statutes, 22-10-103, **amend**
10 the introductory portion and (11)(a); **repeal** (7); and **add** (1.5) and (2.5)
11 as follows:

12 **22-10-103. Definitions.** As used in this ~~article~~ ARTICLE 10, unless
13 the context otherwise requires:

14 (1.5) "ADULT EDUCATION PROVIDER" MEANS ONE OF THE
15 FOLLOWING ENTITIES THAT THE DEPARTMENT RECOGNIZES AS PROVIDING
16 APPROPRIATE AND EFFECTIVE ADULT EDUCATION AND LITERACY
17 PROGRAMS:

18 (a) A SECONDARY OR POSTSECONDARY, PUBLIC OR PRIVATE,
19 NONPROFIT EDUCATIONAL ENTITY, INCLUDING BUT NOT LIMITED TO A
20 SCHOOL DISTRICT, CHARTER SCHOOL, BOARD OF COOPERATIVE SERVICES,
21 STATE INSTITUTION OF HIGHER EDUCATION, LOCAL DISTRICT COLLEGE,
22 AND AREA TECHNICAL COLLEGE;

23 (b) A COMMUNITY-BASED NONPROFIT AGENCY OR ORGANIZATION;

24 (c) AN INDIAN TRIBE OR NATION;

25 (d) A LIBRARY;

26 (e) A LITERACY COUNCIL OR OTHER LITERACY INSTITUTE;

27 (f) A BUSINESS OR BUSINESS ASSOCIATION THAT PROVIDES ADULT

- 1 EDUCATION AND LITERACY PROGRAMS EITHER ON SITE OR OFF SITE;
- 2 (g) A VOLUNTEER LITERACY ORGANIZATION;
- 3 (h) A LOCAL WORK FORCE BOARD, AS DEFINED IN SECTION
- 4 8-83-203, THAT OVERSEES A WORK FORCE DEVELOPMENT PROGRAM
- 5 DESCRIBED IN THE "COLORADO CAREER ADVANCEMENT ACT", PART 2 OF
- 6 ARTICLE 83 OF TITLE 8;
- 7 (i) A ONE-STOP PARTNER, AS DESCRIBED IN SECTION 8-83-216,
- 8 UNDER THE "COLORADO CAREER ADVANCEMENT ACT", PART 2 OF
- 9 ARTICLE 83 OF TITLE 8; OR
- 10 (j) A CONSORTIA OF ENTITIES DESCRIBED IN THIS SUBSECTION (1.5).

11 (2.5) "EDUCATION ATTAINMENT PARTNERSHIP" MEANS A

12 COLLABORATION THAT ASSISTS ADULTS IN ATTAINING BASIC LITERACY

13 AND NUMERACY SKILLS THAT LEAD TO ADDITIONAL SKILL ACQUISITION

14 AND MAY LEAD TO POSTSECONDARY CREDENTIALS AND EMPLOYMENT. AT

15 A MINIMUM, AN EDUCATION ATTAINMENT PARTNERSHIP MUST CONSIST OF

16 AT LEAST ONE ADULT EDUCATION PROVIDER THAT IS NOT LISTED IN

17 SUBSECTION (1.5)(a) OF THIS SECTION THAT PARTNERS WITH AT LEAST ONE

18 ELEMENTARY OR SECONDARY SCHOOL OR SCHOOL DISTRICT, A PUBLIC OR

19 PRIVATE INSTITUTION OF HIGHER EDUCATION, A LOCAL DISTRICT COLLEGE,

20 OR AN AREA TECHNICAL COLLEGE.

21 (7) ~~"Local education provider" means one of the following entities~~

22 ~~that the department recognizes as providing appropriate and effective~~

23 ~~adult education and literacy programs:~~

24 ~~(a) A secondary or postsecondary, public or private, nonprofit~~

25 ~~educational entity, including but not limited to a school district, charter~~

26 ~~school, board of cooperative services, state institution of higher~~

27 ~~education, local district college, and area technical college;~~

- 1 ~~(b) A community-based, nonprofit agency or organization;~~
- 2 ~~(c) A library;~~
- 3 ~~(d) A literacy council or other literacy institute;~~
- 4 ~~(e) A business or business association that provides adult~~
- 5 ~~education and literacy programs either on-site or off-site;~~
- 6 ~~(f) A volunteer literacy organization;~~
- 7 ~~(g) A local work force board, as defined in section 8-83-203,~~
- 8 ~~C.R.S., that oversees a work force development program described in the~~
- 9 ~~"Colorado Career Advancement Act", part 2 of article 83 of title 8,~~
- 10 ~~C.R.S.;~~
- 11 ~~(h) A one-stop partner, as described in section 8-83-216, C.R.S.,~~
- 12 ~~under the "Colorado Career Advancement Act", part 2 of article 83 of~~
- 13 ~~title 8, C.R.S.; or~~
- 14 ~~(i) A consortia of entities described in this subsection (7).~~

15 (11) (a) "Workforce development partnership" means a
16 collaboration that assists adults in attaining basic literacy and numeracy
17 skills leading to additional skill acquisition, postsecondary credentials,
18 and employment. At a minimum, a workforce development partnership
19 must include at least one ~~local~~ ADULT education provider, at least one
20 postsecondary education or training provider, and at least one workforce
21 development provider.

22 **SECTION 4.** In Colorado Revised Statutes, 22-10-104, **amend**
23 (1), (2) introductory portion, (2)(b), (3)(c)(II), and (3)(d); and **add** (3)(a.5)
24 and (3)(c.5) as follows:

25 **22-10-104. Adult education and literacy grant program -**
26 **created - rules.** (1) (a) There is created in the office the adult education
27 and literacy grant program to provide funding for ~~local~~ ADULT education

1 providers that are members of workforce development partnerships,
2 through which eligible adults receive basic education in literacy and
3 numeracy that leads to additional skills acquisition, postsecondary
4 credential attainment, and employment, OR EDUCATION ATTAINMENT
5 PARTNERSHIPS THAT ASSIST ADULTS IN ATTAINING BASIC LITERACY AND
6 NUMERACY SKILLS THAT LEAD TO ADDITIONAL SKILL ACQUISITION, AND
7 MAY LEAD TO POSTSECONDARY CREDENTIALS AND EMPLOYMENT, FOR THE
8 PARTICIPATING ADULTS AND THEIR CHILDREN OR THE CHILDREN FOR
9 WHOM THEY PROVIDE CARE.

10 (b) ~~A local~~ AN ADULT education provider may apply to the office
11 to receive a grant pursuant to this ~~article~~ ARTICLE 10 in accordance with
12 the rules, procedures, forms, and timelines adopted by the state board.
13 The office shall review each application and recommend appropriate
14 grant recipients to the state board.

15 (c) Subject to available appropriations, the state board, taking into
16 consideration the recommendations of the office, shall award adult
17 education and literacy grants to ~~local~~ ADULT education providers. IN
18 AWARDING GRANTS PAYABLE FROM STATE APPROPRIATIONS, THE STATE
19 BOARD MAY GIVE PREFERENCE TO ADULT EDUCATION PROGRAMS THAT
20 SERVE POPULATIONS THAT ARE UNDERSERVED BY FEDERAL FUNDING. The
21 grants awarded are payable from appropriations from the general fund
22 and from the adult education and literacy grant fund created in section
23 22-10-107. The state board shall establish the amount and duration of
24 each grant awarded and may award a grant for multiple fiscal years,
25 subject to annual renewal. A grant recipient that receives a multi-year
26 grant must annually submit to the office the necessary information to
27 determine whether the grant recipient is making sufficient progress

1 toward achieving the goals of the adult education and literacy program
2 that were specified in the grant application. If the office finds that a grant
3 recipient is not making sufficient progress toward achieving the goals, the
4 state board shall not renew the grant for subsequent fiscal years.

5 (d) ~~A local~~ AN ADULT education provider may use grant ~~moneys~~
6 MONEY received pursuant to this ~~article~~ ARTICLE 10 in combination with
7 any ~~moneys~~ MONEY received from other public or private sources. ~~A local~~
8 AN ADULT education provider may use grant ~~moneys~~ MONEY received
9 pursuant to this ~~article~~ ARTICLE 10 on behalf of a student WHO LACKS
10 BASIC LITERACY OR NUMERACY SKILLS OR who is enrolled in or has
11 completed the adult education and literacy program ~~and~~ OR is receiving
12 training from a postsecondary education or training provider or from a
13 workforce development provider that participates in ~~the~~ A workforce
14 development partnership with the ~~local~~ ADULT education provider.

15 (2) The state board, in accordance with the "State Administrative
16 Procedure Act", article 4 of title 24, ~~C.R.S.~~, shall promulgate rules to
17 implement the grant program, which rules must include:

18 (b) The grant application requirements. At a minimum, EACH
19 APPLICANT MUST:

20 (I) DEMONSTRATE THAT IT IS AN EXPERIENCED ADULT EDUCATION
21 PROVIDER WITH A STRONG RECORD OF PROVIDING EDUCATION, CAREER,
22 AND SUPPORTIVE SERVICE NAVIGATION TO ASSIST ADULT LEARNERS IN
23 ATTAINING EMPLOYMENT, ENROLLING IN POSTSECONDARY EDUCATION,
24 ENGAGING IN CIVIC ACTIVITIES, OR SUPPORTING THEIR OWN CHILDREN OR
25 CHILDREN FOR WHOM THEY PROVIDE CARE IN ACHIEVING ACADEMIC
26 SUCCESS;

27 ~~(H)~~ (II) ~~Each applicant must~~ Demonstrate that it is an active

1 member of a workforce development partnership ~~through which students~~
2 ~~receive basic education in literacy and numeracy that leads to additional~~
3 ~~skills acquisition, postsecondary credential attainment, and employment~~
4 OR AN EDUCATION ATTAINMENT PARTNERSHIP; and

5 (H) (III) ~~Each application must~~ Specify the measurable goals of
6 the adult education and literacy program that the applying ~~local~~ ADULT
7 education provider expects to achieve using the grant ~~moneys~~ MONEY;

8 (3) The office, in evaluating grant applications, and the state
9 board, in awarding grants, may consider, at a minimum, the following
10 factors:

11 (a.5) THE PERCENTAGE OF ADULTS IN THE AREA TO BE SERVED
12 USING GRANT MONEY WHO HAVE NOT COMPLETED NINTH GRADE AND ARE
13 NOT ENROLLED IN OR HAVE NOT COMPLETED ADULT EDUCATION AND
14 LITERACY PROGRAMS;

15 (c) (II) The percentage of eligible adults in the area to be served
16 who are unemployed workers; ~~and~~

17 (c.5) WHETHER THE ADULT EDUCATION PROVIDER SERVES
18 ELIGIBLE ADULTS WHO HAVE NOT COMPLETED NINTH GRADE OR MAY
19 OTHERWISE BE IDENTIFIED AS LOWEST-LEVEL LEARNERS AND THE ADULT
20 EDUCATION PROVIDER'S DEMONSTRATED SUCCESS IN SERVING THESE
21 LEARNERS; AND

22 (d) The demonstrated success of the ~~local~~ ADULT education
23 provider in enabling adults to attain basic literacy and numeracy skills and
24 in assisting them ~~through collaboration with postsecondary education or~~
25 ~~training providers and workforce development providers, to achieve~~
26 ~~additional skills attainment, postsecondary credential attainment, and~~
27 ~~employment~~ TO ATTAIN ADDITIONAL SKILLS, POSTSECONDARY

1 CREDENTIALS, EMPLOYMENT, AND INCREASED CAPACITY TO SUPPORT THE
2 ACADEMIC ACHIEVEMENT OF THEIR OWN CHILDREN OR CHILDREN FOR
3 WHOM THEY PROVIDE CARE.

4 **SECTION 5.** In Colorado Revised Statutes, 22-10-105, **amend**
5 (1)(b), (1)(c), and (2)(a) as follows:

6 **22-10-105. Evaluation of grants - report.** (1) (b) The
7 department may audit the records and accounts of grant recipients relating
8 to grants awarded pursuant to this ~~article. A local~~ ARTICLE 10. AN ADULT
9 education provider shall make the records and accounts available to the
10 department upon request.

11 (c) Upon completing an adult education and literacy program
12 funded, in whole or in part, by a grant awarded pursuant to this ~~article, a~~
13 ~~local~~ ARTICLE 10, AN ADULT education provider shall report to the
14 department ~~the same~~ information concerning the state-funded program ~~as~~
15 ~~is~~ THAT THE DEPARTMENT SPECIFICALLY REQUESTS FROM THE
16 INFORMATION required by Title II of the federal "~~Workforce Investment~~
17 ~~Act of 1998~~" as amended, 20 U.S.C. sec. 9201 et seq. "WORKFORCE
18 INNOVATION AND OPPORTUNITY ACT", AS AMENDED, 29 U.S.C. SEC. 3101
19 ET SEQ., for federally funded programs. The department may request such
20 additional information as may be required by rule of the state board.

21 (2) (a) The office shall prepare an annual report concerning the
22 grant program that, at a minimum, addresses the use, allocation, and
23 outcomes of the grant ~~moneys~~ MONEY, including the effectiveness of each
24 program that receives a grant and the continuing level of unmet need for
25 adult education within the state. In evaluating program outcomes, the
26 office may consider, but need not be limited to considering, student
27 participation, completion, educational attainment, employment, and

1 poverty-reduction data and analysis. The report must also include an
2 overview of the collaboration efforts of the office, the department of
3 higher education, the department of labor and employment, the
4 community college system, other ~~local~~ ADULT education providers, other
5 postsecondary education or training providers, and other workforce
6 development providers in meeting the state's need for adult education and
7 literacy programs and workforce development.

8 **SECTION 6.** In Colorado Revised Statutes, 22-10-106, **amend**
9 (1) introductory portion and (1)(a) as follows:

10 **22-10-106. Adult education and literacy - workforce**
11 **development - meetings.** (1) The office shall convene periodic meetings
12 of representatives of, at a minimum, the department of higher education,
13 the department of labor and employment, the community college system,
14 other ~~local~~ ADULT education providers, other postsecondary education or
15 training providers, and other workforce development providers to discuss,
16 at a minimum:

17 (a) Ways to increase the communication and collaboration among
18 adult education and literacy programs, ELEMENTARY AND SECONDARY
19 EDUCATION PROGRAMS, postsecondary education or training programs,
20 and workforce development programs within the state; and

21 **SECTION 7.** In Colorado Revised Statutes, 22-10.3-102, **amend**
22 (4)(b) as follows:

23 **22-10.3-102. Definitions.** As used in this article 10.3, unless the
24 context otherwise requires:

25 (4) "Qualified provider" means a provider that meets the criteria
26 set forth in section 22-10.3-103 (3) and that:

27 (b) Is a ~~local~~ AN ADULT education provider, as defined in ~~section~~

1 ~~22-10-103 (7)~~ SECTION 22-10-103 (1.5).

2 **SECTION 8. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.